Government of Kerala
1979

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Friday, 7th December 1979 / 16th Agrahayana 1901 [No. 875

GOVERNMENT OF KERALA

General Administration (Political 'A') Department

NOTIFICATION

No. 138297/Pol.A2/79/GAD. *Dated, Trivandrum, 7th December*, 1979.

The Notification No. GSR 672 (E) dated 5-12-1979 and the order No. GSR 673 (E) dated 5-12-1979 of the Government of India, Ministry of Home Affairs are hereby republished for general information.

By order of the Governor,
G. Bhaskaran Nair,
Chief Secretary to Government.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 5th December, 1979.

G.S.R. 672(E).—The following Proclamation by the President is published for general information:—

Whereas, I, Neelam Sanjiva Reddy, President of India, have received a report from the Governor of the State of Kerala and after considering the report and other information received by me, I am satisfied that a situation

has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as "the Constitution");

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby proclaim that I—

(a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State;

(b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and

(c) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this Proclamation, namely:—

(i) in the exercise of the functions and powers assumed to myself by virtue of clause (a) of this Proclamation as aforesaid, it shall be lawful for me as President of India to act to such extent as I think fit through the Governor of the said State;

(ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended, namely:—

so much of the proviso to article 3 as relates to the reference by the President to the Legislature of the State;

so much of clause (2) of article 151 as relates to the laying before the Legislature of the State of the reports submitted to the Governor by the Comptroller and Auditor-General of India;

articles 163 and 164;

so much of clause (3) of article 166 as relates to the allocation among the Ministers of the business of the Government of the State;

article 167 and so much of clause (1) of article 169 as relates to the passing of a resolution by the Legislative Assembly of a State;

clause (1), and sub-clause (a) of clause (2), of article 174; articles 175 to 178 (both inclusive); clauses (b) and (c) of article 179 and the first proviso to that article and articles 180 and 181;

so much of article 186 as relates to the salaries and allowances of the Deputy Speaker of the Legislative Assembly; articles 188, 189, 193, 194, 195 and 196; article 198; clauses (3) and (4) of article 199;

so much of clause (3) of article 202 as relates to the salaries and allowances of the Deputy Speaker of the Legislative Assembly; articles 208 to 211 (both inclusive); the proviso to clause (1) and the proviso to clause (3) of article 213; and

so much of clause (2) of article 323 as relates to the laying of the report with a memorandum before the Legislature of the State;

(iii) any reference in the Constitution to the Governor shall in relation to the said State be construed as a reference to the President, and any reference therein to the Legislature of the State or the Houses thereof shall, in so far as it relates to the functions and powers thereof, be construed, unless the context otherwise requires, as a reference to Parliament, and, in particular, the references in article 213 to the Governor and to the Legislature of the State or the House thereof shall be construed as references to the President and to Parliament or the Houses thereof respectively:

Provided that nothing herein shall affect the provisions of article 153, articles 155 to 159 (both inclusive), article 299 and article 361 and paragraphs 1 to 4 (both inclusive) of the Second Schedule or prevent the President from acting under sub-clause (i) of this clause to such extent as he thinks fit through the Governor of the said State;

(iv) any reference in the Constitution to Acts or laws of or made by the Legislature of the State shall be construed as including a reference to Acts or laws made, in exercise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution, and the Interpretation and General Clauses Act, 1125 (Act VII of 1125) as in force in the State of Kerala, and so much of the General Clauses Act, 1897 (10 of 1897), as applies to State laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

Camp Bombay,
The 5th December, 1979.

NEELAM SANJIVA REDDY,
PRESIDENT.

New Delhi,
The 5th December, 1979.

B. G. DESHMUKH,
Additional Secretary.

ORDER

New Delhi, the 5th December, 1979.

G. S. R. 673(E).—The following Order by the President is published for general information:—

In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on this the 5th day of December, 1979 by me under article 356 of the Constitution of India, I hereby direct that all the functions of the Government of the State of Kerala and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State.

Camp Bombay;
The 5th December, 1979.

NEELAM SANJIVA REDDY,
PRESIDENT.

New Delhi;
The 5th December, 1979.

B. G. DESHMUKH,
Additional Secretary.

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Home (A) Department

NOTIFICATION

No. 55724/A2/79/Home. *Dated, Trivandrum, 6th December, 1979.*

S. R. O. No. 1330/79.—In exercise of the powers conferred by sub section (2) of section 1 of the Kerala Police (Amendment) Act, 1979 (33 of 1979), the Government of Kerala hereby appoint the 10th day of December 1979 as the date on which the said Act shall come into force.

By order of the Governor,

J. S. JESUDHASAN,
Special Secretary to Government.

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